

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NOLAN GREGORY PROCTOR,

No. 4:18-CV-01019

Plaintiff,

(Judge Brann)

v.

EVAN SQUIRES WILLIAMS, III,
FRED NELSON SMITH,
ROSANETTE RENEE ABRAMS,
JONATHAN PATRICK FOSTER, JR.

(Magistrate Judge Mehalchick)

Defendant.

ORDER

November 15, 2018

Plaintiff filed the instant action on May 14, 2018, and it was jointly assigned to the undersigned and to a magistrate judge. Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations.”¹ Once filed, this report and recommendation is disseminated to the parties in the case who then have the opportunity to file written objections.²

On October 26, 2018, Magistrate Judge Mehalchick, to whom this matter is jointly assigned, issued a thorough report and recommendation recommending that

¹ 28 U.S.C. 636(b)(1)(B).

² 28 U.S.C. 636(b)(1).

two Defendants be dismissed from the action and Plaintiff be granted leave to amend his complaint against the other two Defendants.

No objections to the report and recommendation have been filed.

For portions of the report and recommendation to which no objection is made, the Court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”³ Regardless of whether timely objections are made by a party, the District Court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.⁴

Because I write solely for the parties, I will not restate the facts, but will instead adopt the recitation of facts as set forth by the magistrate judge. I have conducted a de novo review here and found no error.

AND NOW, IT IS HEREBY ORDERED that:

1. Magistrate Judge Mehalchick’s October 26, 2018 Report and Recommendation, ECF No. 5, is ADOPTED in full.
2. Plaintiff’s Motion to Proceed *in forma pauperis*, ECF No. 2, is GRANTED.

³ Fed.R.Civ.P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa.2010) (*citing Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir.1987) (explaining that judges should give some review to every report and recommendation)).

⁴ 28 U.S.C. § 636(b)(1); Local Rule 72.31.

3. Defendants Evan Squires Williams, III and Fred Nelson Smith are DISMISSED from this action WITH PREJUDICE.
4. Plaintiff is provided leave to amend his complaint against Defendants Rosanette Renee Abrams and Jonathan Patrick Foster, Jr.
5. Plaintiff may file an amended complaint on or before December 5, 2018.
6. If no amended complaint is filed by December 5, 2018, the action will be summarily dismissed.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge